

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

April 15, 2025

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1678

By: Townley of the House

and

Burns of the Senate

An Act relating to election certifications; amending 26 O.S. 2021, Section 8-105, which relates to tie votes; modifying procedures for selection of nominee or electee in certain elections; providing exception to applicability of certain procedures; updating statutory language; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 26 O.S. 2021, Section 8-105, is amended to read as follows:

Section 8-105. A. When a tie vote is certified in the nomination or election of any candidate in any Runoff Primary, General Election, or any Primary Election, the election board ~~which~~ that is authorized by law to issue the certified list or certificate of election shall, at a public meeting of the board and in the presence of the candidates involved or their designee, if they or any of them desire to be present, select the nominee or electee by lot.

1 B. When a nominee or electee is to be selected by lot pursuant
2 to the provisions of this section, the following procedures shall be
3 observed:

4 1. The secretary of the appropriate election board shall, on or
5 before the tenth day following the election, notify each of the
6 tying candidates for which the vote was tied. The notice shall
7 include the time, date, and location of the selection, shall be made
8 in writing by registered or certified mail, and shall be postmarked
9 not fewer than five (5) days prior to the meeting;

10 2. A candidate may designate one person as a witness to attend
11 the meeting on the candidate's behalf. The designation shall be
12 made in writing, signed by the candidate, and presented to the
13 secretary ~~of the appropriate election board~~;

14 3. The secretary ~~of the appropriate election board~~ shall, in
15 full view of those present at the meeting, clearly write or print
16 the name of each tied candidate on separate pieces of paper
17 measuring approximately equal size. The names of the candidates
18 shall be written or printed on the same color and type of paper.
19 The papers shall be folded ~~in half one time~~ so that the written
20 names are not visible and shall each be placed into a separate small
21 opaque container of equal characteristics selected by the secretary
22 ~~of the appropriate election board~~. The opaque containers shall then
23 be placed inside a larger transparent container in which the opaque
24

1 canisters shall be tumbled or shaken so that the opaque containers
2 change position with respect to each other;

3 4. The secretary shall ~~draw, or may~~ designate a person other
4 than the candidates, witnesses, or other person directly interested
5 in the election to draw ~~one paper~~ opaque container from inside the
6 transparent container, and the name of the nominee or electee
7 appearing on the ~~first-drawn~~ paper inside the first drawn opaque
8 container shall be declared the winner. The ~~secretary~~ secretary's
9 designee shall then expose the other name or names not drawn to all
10 witnesses present; and

11 5. The meeting shall be held on a weekday, holidays excepted,
12 between the hours of 7:00 a.m. and 7:00 p.m.

13 C. When there are three (3) or more candidates and a tie for
14 first place occurs for the nomination of a candidate at a Primary
15 Election for which a Runoff Primary will be held, the names of the
16 tied candidates shall be placed on the Runoff Primary ballot.

17 D. The procedures prescribed in this section shall not apply to
18 elections of state officers pursuant to Section 5 of Article VI of
19 the Oklahoma Constitution.

20 SECTION 2. This act shall become effective November 1, 2025.

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
22 April 15, 2025 - DO PASS AS AMENDED BY CS
23
24